IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER ST.NO.17680 OF 2006

Ashok N. Gaikwad. ..Appellant.

V/s.

Municipal Corporation ..Respondent.

Mr.J.A.Udaipuri i/b. Mr.A.K.Chauhan for appellant.

Mr.A.J.Bhor for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 11, 2006.

P.C. :

1. Heard.

2. This is second matter, which has come up before this court pertaining to the proposed action of demolition of place of worship in compliance with the direction given by this Court in Public Interest Litigation being W.P.No.2063 of 2002. Even this appeal is disposed of on the same terms following the reason recorded in Appeal from Order No.582 of 2006 decided by me on August 9, 2006.

3. Accordingly, this appeal is disposed of with liberty to the appellant to file writ petition before this court within three weeks, which will have to be

placed before the Honourable the Chief Justice for appropriate orders, to be heard by the Bench nominated by the Honourable the Chief Justice for that purpose in terms of order dated 20th November, 2003, passed in W.P.No.2063 of 2002.

4. The appellant through counsel assures that he will take steps to withdraw the suit filed before the City Civil Court before instituting writ petition in this court in view of the liberty granted under this order. That assurance is accepted.

5. To facilitate the appellant to comply with the above requirements, it is ordered that no precipitative action be taken in respect of the suit structure for a period of four weeks from today as I am informed that the Writ Petition No.2063 of 2002, which is Public Interest Litigation is listed sometime in first week of September, 2006. Interim protection in respect of the suit structure shall operate for a period of four weeks from today or till such other order to be passed by the Division Bench taking above said writ petition(W.P.No.2063 of 2002) or proposed writ petition to be filed by the appellant.

6. Appeal disposed of on the above terms.